

**ITEM 4**  
6:20 p.m.

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<b>CASE:</b>	7272ABC-14
<b>APPLICANT:</b>	Ziegler Bloomington LLC
<b>LOCATION:</b>	1201 West 96 <sup>th</sup> Street
<b>REQUEST:</b>	1) Variance to reduce the required front yard setback from 35 feet to 25 feet; 2) Variance from surfacing requirements for storage area; and 3) Major Revision to Final Site and Building Plans for a remodel of existing building and parking lot expansion

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**SPEAKING FOR THE APPLICANT:**

Wayne Hilbert, CNH Architects  
Tary Draper, Facilities Director, Ziegler Inc.

**PUBLIC HEARING DISCUSSION:**

Centinario identified the location and the surrounding land uses. He displayed a photo of the existing building depicting the existing materials and a site plan showing the proposed changes on the site. Centinario explained there are a number of proposed changes on the site including: renovating the interior of the existing building to accommodate office and warehouse uses, outdoor storage areas, adding a loading dock to the front of the structure, and parking lot modifications. He explained the proposed loading dock would be about 80 feet wide and loads from the west. The dock is open air and is designed for smaller daily deliveries and screened from the street by a solid wall. Building materials for the loading dock addition is compatible with the existing building and are Code complying. Staff is supportive of the setback variance.

Centinario stated the second variance being requested is for the surfacing requirements for the exterior storage area. He explained much of the large/heavy equipment proposed to be stored uses a continuous track system. These tracks tear up asphalt and concrete and for this reason the applicant is requesting the surface of the storage area to remain as gravel. There would be a modest expansion of the storage area to maximize storage space. He stated staff is supportive of the variance request.

Centinario stated the third request is for a major revision to Final Site and Building Plans. Landscape screening is being proposed along West 96<sup>th</sup> Street and trees being removed as part of the construction will be replaced. He explained the applicant is showing 42 proof-of-parking stalls on the south side of the existing building in the gravel storage area, but if constructed, would need to be paved. Centinario displayed a few renderings of the elevations provided by the applicant.

Centinario stated staff believes the required findings can be made and is recommending City Council approval of the requested variances and the major revisions to Final Site and Building Plans subject to the conditions of approval and Code requirements listed in the staff report. He stated he is available for questions and comments from the Commission and stated the applicant is present and is available for questions during their presentation.

Goodrum asked staff to comment on why the loading dock addition is necessary as there are already other loading dock bays available. Centinario stated he believes it is the operational intent of the applicant to add a smaller scale loading dock for everyday deliveries of smaller items and the existing loading docks will be used by larger semi-trucks and will directly access the indoor storage/warehouse areas. Centinario stated the applicant can better address the question when they make their presentation.

Batterson asked staff to comment on the requested setback variance for the loading dock and how it relates to the parking lot setback on the northeast section of the parcel. Centinario stated parking lot setbacks are generally required to be 20 feet from the property line and the requested variance is for a 25 foot setback. Batterson asked if the elevation of the proposed outdoor storage area is higher or lower than the elevation at West 96<sup>th</sup> Street. Centinario stated a few feet higher. Batterson clarified that the outdoor storage surfacing requirement variance is due to the heavy equipment nature of the equipment and how that equipment destroys asphalt and concrete if moved.

Fischer asked for clarification on how the heavy equipment will get to the outdoor storage area. Centinario stated the specifics could be better addressed by the applicant when they make their presentation.

Wayne Hilbert (CNH Architects) introduced himself and Tary Draper (Facilities Director, Ziegler Inc.) and stated he is representing the applicant. Hilbert addressed Commissioner Goodrum's question regarding the proposed loading dock. He explained the existing loading docks are designed for larger semi-truck trailers and because the building is constructed 4 feet above grade the loading docks need ramps to service different types of delivery vehicles. Hilbert added the proposed loading dock addition is going no closer to the north than the existing pavement servicing the loading dock area currently.

Fischer asked for clarification from the applicant representatives on how the large equipment will get into the outdoor storage area. Draper stated semi-trucks will deliver the equipment entering the site at the west driveway and trailered to the gravel storage area. Fischer asked if the equipment would be driving on any paved areas after being unloaded. Draper stated no.

Batterson asked Hilbert for the difference in elevation between the outdoor storage area and the parking lot area. Hilbert stated he does not have that information with him, but believes the difference to be 6 feet on the west end and 3 feet on the east end. Batterson commented that the outdoor storage area is bordered by the railroad spur, the freeway, and the existing building on the site.

Batterson asked for clarification on the internal traffic circulation on the site and how employees will be entering and exiting the site to ensure that semi-truck traffic and passenger traffic will be separated. Draper stated the west side of the site will be for truck traffic and the east side of the site will be for employee traffic. Markegard demonstrated three different routes employees/users could get access to the site from I-35W.

Fischer asked if this project will be adding new jobs to Bloomington. Draper stated yes.

Nordstrom asked the applicant representatives if this facility is simply expanding the existing activities being conducted on the other side of the freeway or if this facility will be conducting a different part of the business. Draper stated the new site will be expanding a component part of the existing facility which has outgrown its space.

The public hearing was closed via a motion.

Batterson stated this is a fantastic re-use of an old factory and it is great to see someone who is so well invested in Bloomington wanting to expand to a new facility. They have been thoughtful about what they are doing there and their rationale behind the variance requests make sense and am really happy to see them expanding within Bloomington. He commented that just the other day he watched one of the large pieces of machinery move within the existing storage area along Lyndale Avenue and thought how lucky Bloomington is to have such a great business in the community. He stated he is in support of the application requests.

Nordstrom stated these items will be heard at the December 15, 2014 City Council meeting.

#### **ACTIONS OF THE COMMISSION:**

**M/Spiess, S/Willette:** To close the public hearing. Motion carried 7-0.

**M/Fischer, S/Willette:** Having been able to make the required findings in Case 7272AB-14, I move to recommend City Council approval of a variance to reduce the required front yard setback from 35 feet to 25 feet and a variance from surfacing requirements for storage area at 1201 West 96<sup>th</sup> Street subject to the conditions of approval and Code requirements listed in the staff report. Motion carried 7-0.

**M/Fischer, S/Batterson:** Having been able to make the required findings in Case 7272C-14, I move to recommend approval of Major Revisions to Final Site and Building Plans for a remodel of an existing building and parking lot expansion at 1201 West 96<sup>th</sup> Street subject to the conditions of approval and Code requirements listed in the staff report. Motion carried 7-0.

#### **CONDITIONS AND CODE REQUIREMENTS RECOMMENDED BY THE COMMISSION:**

The variance to reduce the required front yard setback from 35 feet to 25 feet and the variance from surfacing requirements for storage areas is subject to the following conditions:

- 1) The variances are limited to the areas shown in Case 7272ABC-14;
- 2) The paved storage area west of the principle building and the parking lot must be maintained free of rock, mud, dust, or any other debris;
- 3) If blowing dust becomes a nuisance to nearby properties as determined by the Environmental Health Division Manager, the landowner must implement dust control procedures; and
- 4) Any reuse of the site that does not include the storage of continuous metal track equipment must provide a Code Complying surface.

The major revision to Final Site and Building Plans is subject to the following conditions being satisfied prior to the issuance of development-related permits:

- 1) Building and site improvements are limited to those on the approved plans in Case 7272ABC-14;
- 2) A proof of parking agreement for at least 42 additional parking spaces must be approved and filed;
- 3) The Grading, Drainage, Utility, Erosion Control, Traffic Control, Access, Circulation, and Parking plans must be revised for approval by the City Engineer;
- 4) Connection charges must be determined and satisfied;
- 5) Sewer Availability Charge (SAC) be determined and be satisfied;
- 6) An erosion control surety must be provided and approved erosion control measures must be in place and inspected prior to issuance of grading permits;
- 7) A Stormwater Management Plan must be provided which meets the requirements of the City of Bloomington Surface Water Management Plan, as well as a maintenance plan to be signed by the property owner and filed of record with Hennepin County;
- 8) A Nine Mile Creek Watershed District Permit must be submitted;
- 9) A National Pollutant Discharge Elimination System (NPDES) Construction Site Permit and Storm Water Pollution Prevention Plan (SWPPP) must be provided prior to the issuance of any permits;
- 10) No utility connection work shall occur until a permit has been issued by Metropolitan Council Environmental Services (MCES), if such a permit is required;

- 11) A Minnesota Department of Health (MDH) approval for water main work must be submitted or documentation provided that indicates that no MDH approval is required;

and subject to the following conditions:

- 12) Alterations to utilities be at the developer's expense;
- 13) All construction related parking, loading and unloading, staging, and material storage must occur on-site and off of adjacent public streets except as may be approved by the Director of Public Works for a temporary period;
- 14) Site improvements must include a six-foot sidewalk along West 96<sup>th</sup> Street from the west property line to the east driveway;

and, while the use and improvements must comply with all applicable local, state, and federal codes, the applicant should pay particular attention to the following Code requirements:

- 1) Exterior finish materials for the new exterior of the existing building and the addition must meet City Code requirements as approved by the Planning Manager (Sec. 19.63.08);
- 2) The developer must submit electronic utility as-builts to the Public Works Department prior to the issuance of the Certificate of Occupancy;
- 3) Landscape plan must be approved by the Planning Manager and must include at least one tree in each parking island (Sec 19.52);
- 4) All rooftop equipment on the building must be fully screened (Sec. 19.52.01);
- 5) Building be provided with an automatic fire sprinkler system as approved by the Fire Marshal (MN Bldg. Code 3802; Uniform Fire Code Ch. 10.306);
- 6) Fire lanes must be posted as approved by the Fire Marshal (Sec. 8.73);
- 7) Utility plan showing location of existing and proposed water main and fire hydrant locations must be approved by the Fire Marshal and Utilities Engineer (Sec. 6.20, Uniform Fire Code Ch. 10.301-C);
- 8) Parking lot and site security lighting must satisfy the requirements of Section 21.301.07 of the City Code;
- 9) All trash and recycling must be screened from public view (Sec. 19.51)
- 10) Recycling materials must be separated and collected (Sec. 10.45)
- 11) Signage must comply with the requirements of Chapter 19, Article X of the City Code; and
- 12) Tier 2 Transportation Demand Management plan must be submitted (Sec. 21.301.09(b)(2)).